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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/613,374

Confirmation No. 7181

Applicants

S. Datta et al. July 3, 2003

Filed TC/A.U.

1711

Examiner

Nathan M. Nutter

Docket No.

1998B037A/2

Customer No.:

1473

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

New York, New York 10020

July 22, 2004

TRANSMITTAL LETTER

Sir:

On April 22, 2004, Applicants filed Requests for Interference with Stevens et al. application no. 10/289,122 (the "Stevens '122 application") and Tau et al. application no. 10/289,168 (the "Tau '168 application") in the above-identified application. Transmitted herewith are (1) a proposed Interference Initial Memorandum Form PTO-850 for the requested interference between the Stevens '122 application and Datta et al. application no. 10/613,374 and (2) a proposed Interference Initial Memorandum Form PTO-850 for the requested interference between the Tau '168 application and Datta et al. application no. 10/613,374.

The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the papers transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

s *

Respectfully submitted,

Eric C. Woglom

(Reg. No. 25,445)

Glenn A. Ousterhout (Reg. No. 30,410)

Gene W. Lee

(Reg. No. 55,369)

Attorneys for Applicants

Wendy A. Petka

(Reg. No. 53,459)

Agent for Applicants

c/o **FISH & NEAVE**

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020-1104

Tel.: (212) 596-9000



MANUAL OF PATENT EXAMINING PROCEDURE

Form PTO-850-(Rev 11-28-2000) INTERFERENCE INITIAL MEMORANDUM
To the Board of Patent Appeals and Interferences:

| Count | # | |
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| Chemical Patent | | 10014 J, 2007 | <u> </u> | <u></u> | |
| If the involved case is a pate | ent, have its maintenance fees | been paid? Yes No | Not due yet | | |
| | Proposed priority benefit | (list all intervening application | s necessary for continuity): | | |
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| (Check off each step, if applicable) INSTRUCTIONS | | | | | |
| 1. Obtain all files listed above. | | | | | |
| 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents | | | | | |
| must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). | | | | | |
| 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). | | | | | |
| 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). | | | | | |
| 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center. | | | | | |
| | PRIMARY EXAMINER (si | | ART UNIT | TELEPHONE NO. | |
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| | DIRECTOR (signature) | | | | |
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Page ____ of ____

COUNT 1

ExxonMobil (Datta et al.) Claim 32

A polymer blend comprising (i) a crystalline polypropylene continuous phase having a weight average molecular weight, and (ii) an at least partially crystalline copolymer dispersed phase having a weight average molecular weight lower than the weight average molecular weight of the crystalline polypropylene continuous phase, the dispersed phase comprising propylene and ethylene and/or one or more unsaturated comonomers, the dispersed phase prepared using a metallocene catalyst.

OR

Dow (Stevens et al.) Claim 1

An impact-resistant polymer blend comprising (i) a crystalline polypropylene matrix having a weight average molecular weight, and (ii) an at least partially crystalline copolymer impact modifier having a molecular weight lower than the weight average molecular weight of the crystalline polypropylene matrix, the impact modifier comprising propylene and ethylene and/or one or more unsaturated comonomers, the modifier prepared using a metallocene catalyst or a nonmetallocene, metal-centered, heteroaryl ligand catalyst.



MANUAL OF PATENT EXAMINING PROCEDURE

Form PTO-850-(Rev. 11-28-2000)

INTERFERENCE INITIAL MEMORANDUM

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| | | list all intervening application | | T | | | |
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| USA | 09/342,854 | June 29, 1999 | 6,642,316 | Nov. 4, 2003 | | | |
| USA | 09/108.467 | July 1, 1998 | | | | | |
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| (Check off each step, if appli | cable) INSTRUCTIONS | | | | | | |
| 1. Obtain all files listed | <u> </u> | | | | | | |
| 2. Confirm that the pro | posed involved claims are still | l active and all corrections and | entered amendments have be | en considered. The patents | | | |
| must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). | | | | | | | |
| 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). | | | | | | | |
| 5. Discuss the propose | d interference with an Interfere | ence Practice Specialist in your | r Technology Center. | | | | |
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| DIRECTOR (signature) | | | | | | | |

Page ____ of ____

COUNT 1

ExxonMobil (Datta et al.) Claim 39

A film made from a polymer blend comprising at least one polymer (A) and at least one polymer (B), polymer (A) comprising about 5 to about 99 weight percent of the blend, and polymer (A) comprising a copolymer of about 96 to about 88 weight percent of propylene derived units and about 4 to about 11.6 weight percent of ethylene derived units, and polymer (A) is further characterized as having an X-ray diffraction pattern that exhibits more gamma-form crystals than a copolymer comparable in all respects except that it is prepared with a Ziegler-Natta catalyst, and polymer (B) comprising a thermoplastic polymer other than polymer (A).

OR

Dow (Tau et al.) Claim 16

A film having at least one layer made from a polymer blend comprising at least one polymer (A) and at least one polymer (B), polymer (A) comprising at least 50 weight percent of the blend, and polymer (A) comprising at least about 60 weight percent of units derived from propylene and at least about 4 weight percent of units derived from a comonomer selected from the group consisting of ethylene and an unsaturated monomer other than ethylene, and polymer (A) is further characterized as having at least one of the following properties: (i) ¹³C NMR peaks corresponding to a regio-error at about 14.6 and about 15.7 ppm, the peaks of about equal intensity, (ii) a DSC curve with a T_{me} that

remains essentially the same and a T_{max} that shifts to the left as the amount of comonomer in the copolymer is increased, and (iii) an X-ray diffraction pattern that exhibits more gamma-form crystals than a copolymer comparable in all respects except that it is prepared with a Ziegler-Natta catalyst, and polymer (B) comprising a thermoplastic polymer other than polymer (A).